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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,130	01/19/2001	Lenny Lipton	300.57	9479

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SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION  
3310 AIRPORT AVENUE, SW  
SANTA MONICA, CA 90405

EXAMINER
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NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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01/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/766,130	<b>Applicant(s)</b> LIPTON ET AL.	
	<b>Examiner</b> Jennifer T. Nguyen	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is responsive to amendment filed on 10/23/07.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-10 are rejected under 35 U.S.C. 112, second paragraph. The claim(s) contains subject matter with confusing method. In claim 6, a method for driving a segmented pi-cell modulator in a stereoscopic image viewing system, comprising: “applying a first modulating waveform...; removing the first modulating waveform...; and applying a second modulating waveform...”. The method is confused because it does not clearly disclose why applying a first modulating waveform then removing the first modulating waveform.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-4, 11-14, and 18-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant Admitted Prior Art Figs. 1-5 (hereinafter AAPA).

Regarding claims 1 and 11, AAPA teaches a method for driving a segmented pi-cell modulator (i.e., the segment pi-cells in fig. 1) in a stereoscopic image viewing system, comprising applying an alternating unipolar carrier waveform (fig. 2) to the segmented pi-cell modulator, wherein the alternating, unipolar-carrier waveform does not change polarity within a

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time period that the segmented pi-cell modulator is energized (Fig. 2, supporting specification page 3, line 29 to page 4, line 17).

Regarding claims 2 and 12, AAPA teaches the waveform is in the range of 1-2 kHz (in the specification page 4, lines 10-12).

Regarding claims 3, 4, 13 and 14, AAPA teaches a stutter start waveform is applied to the pi-cell for a brief period of time when power is first applied (in the specification page 2, lines 24-29).

Regarding claims 18-20, AAPA teaches wherein applying the carrier waveform to the segmented pi-cell modulator tends to reduce likelihood of visible artifacts being exhibited by the pi-cell (page 1, lines 22-30).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art Figs. 1-5 (AAPA).

Regarding claim 5, 10 and 15, although AAPA does not specifically teach the small rest period is approximately a few hundred milliseconds. However, it would have been obvious to

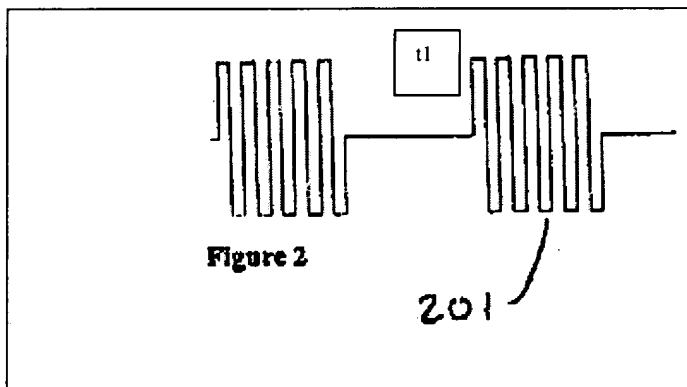
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obtain small rest period is approximately a few hundred milliseconds in order to optimally activate the cell.

***Response to Arguments***

8. Applicants' arguments filed 10/23/07, have been fully considered but they are not persuasive because as follows:

In response to Applicants' argument stated "AAPA and specifically Fig. 2 does not show an alternating unipolar carrier waveform" and "Fig. 2 shows that the waveform does change polarity within the time period that the pi-cell modulator is energized". Examiner respectfully disagrees. Fig. 2 below show that in the time period t1 that the pi-cell modulator is energized, when the cell is active, the waveform has positive polarity within the time period t1; accordingly, fig. 2 show an alternating unipolar carrier waveform within the time period t1.



Applicant also argued that the Office action has no support for the claimed limitation "the small rest period is approximately a few hundred milliseconds". With regard to claims 5, 10, and 15, AAPA fig. 2 show all the subject matter claimed with the exception of the particular ranges

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of rest period. However, Absent a showing of criticality it would have been within the level of skill in the art and obvious to one having ordinary skill to design the range of inactive time during the driving time as desired as was judicially recognized in re Rose, 105 USPQ 237 (CCPA 1955) and in re Reven, 156 USPQ 679 (CCPA 1968). Therefore, these claims are rejected for the reason as set forth above.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe** can be reach at 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JNguyen  
1/4/08



RICHARD HJERPE  
SENIOR EXAMINER  
ART UNIT 2629